

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Douglas J. and Sherri L. Massongill,

Complainants,

vs.

Hillview Water Company, Inc.,

Defendant.

Case 05-10-002  
(Filed October 3, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REQUIRING ADDITIONAL INFORMATION**

By complaint filed October 3, 2005, Complainants Douglas J. and Sherri L. Massongill contend that Hillview Water Company (Hillview) has erroneously interpreted Pub. Util. Code § 2708 through § 2711 in advising them that a parcel of land they own near Oakhurst, California, is subject to the moratorium on new service connections ordered by Decision 01-10-025. Complainants ask the Commission to order Hillview to serve their parcel.

Complainants contend, and the documentation attached to their complaint appears to show, that the parcel lacked water service when Complainants purchased it from the Davis Family Trust, the prior owner, in about 2005, though the parcel had been served at least briefly during 1998, prior to the moratorium imposed in April 2001. Complainants state: "Water hook ups to this property are already paid for and in place." (Attachment to Complaint.) In 2003, apparently responding to an inquiry from Mr. and Mrs. Davis about restoring

service to the parcel, Hillview advised them that since they had no application for service on file prior to the time the moratorium took effect, the parcel could not be served. The documentation attached to the complaint includes:

- Recordation on January 3, 2005 of a grant deed conveying the parcel from the Davis Family Trust to Complainants.
- An application for water service from Hillview by Al Davis, dated July 29, 2003.
- Hillview's July 24, 2003 letter to Mr. & Mrs. Albert B. Davis stating: "The fact that you have had service to your property in the past does not alter the fact that we were not actively serving the property at the time the moratorium was imposed."
- Hillview's November 25, 1998 report entitled "Monthly Closing Customers" listing an account for Al Davis, opened August 25, 1998, and a balance of \$25.02.

To ensure that the factual record is clear, I would like further information on the three topics listed below. Complainants and Hillview should respond to each question, to the extent either is able to do so.<sup>1</sup> Responses should be filed with the Commission's Docket Office on or before December 15, 2005, together with an affidavit or declaration under penalty of perjury.

1. Nature of service provided prior to the moratorium. What kind of service did Hillview provide to the property prior to the moratorium and when was it provided? When was the prior service terminated and why?

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<sup>1</sup> We cannot compel Mr. or Mrs. Davis to respond, but we welcome their input should the Massongills or Hillview contact them and should they care to file a sworn response.

2. Status of development of the property. Other than the installation of "water hook ups," has the property been developed in any way and, if so, when did the development occur?
3. Moratorium waiting list. What place do Complainants hold on the current moratorium waiting list? Are any other persons on the moratorium waiting list requesting service for property that was served, but had service discontinued, prior to the moratorium?

**IT IS RULED that:**

1. Complainants and Hillview Water Company should respond to the questions listed under the three topics enumerated in the body of this ruling, to the extent either is able to do so, and should file their responses with the Commission's Docket Office on or before December 15, 2005, together with an affidavit or declaration under penalty of perjury.
2. Mr. or Mrs. Davis are not parties to this complaint but may file a response should they care to do so.

Dated November 28, 2005, at San Francisco, California.

/s/ JEAN VIETH  
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Jean Vieth  
Administrative Law Judge

## CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring Additional Information on all parties of record in this proceeding or their attorneys of record.

Dated November 28, 2005, at San Francisco, California.

/s/	FANNIE SID
	Fannie Sid

## NOTICE

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.